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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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April 2, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, DC 20554

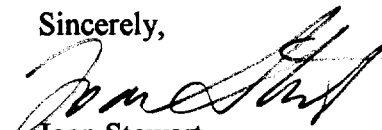
**Re: Amendment of Section 73.202(b)
Table of Allotments FM Broadcast
KWKJ (FM) (Warsaw and Windsor, Missouri)
MM Docket No. 01-34; RM-10061**

Dear Ms. Salas:

Transmitted herewith on behalf of D&H Media, LLC is an original and four copies of its Comments in support of the proposed reallocation of Channel 253A from Warsaw, Missouri to Windsor, Missouri, pursuant to the Notice of Proposed Rule Making, released February 9, 2001, in the above-referenced proceeding.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,



Joan Stewart

Enclosures

cc: Greg Hassler

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APR 2 2001

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b))	
Table of Allotments FM Broadcast)	MM Docket No. 01-34
Facility ID No. 39629)	RM - 10061
KWKJ (FM))	
(Warsaw and Windsor, Missouri))	
)	

TO: CHIEF, ALLOCATIONS BRANCH

COMMENTS

D & H Media, LLC, ("D&H Media") the licensee of KWKJ (FM), Channel 253A, Warsaw, Missouri, by its attorneys and pursuant to Notice of Proposed Rulemaking, MM Docket No. 01-34, RM – 10061, released February 9, 2001 ("NPRM"), hereby submits its comments in support of the proposed reallocation of Channel 253A from Warsaw, Missouri to Windsor, Missouri, the deletion of Channel 253A at Warsaw, Missouri and the modification of the KWKJ facilities to specify operation on Channel 253A at Windsor, Missouri.¹ The following is shown in support thereof:

1. D & H Media, in these Comments, hereby incorporates its September 29, 2000 Petition for Rule Making in support of the proposed reallocation. D & H Media also restates its present intention to apply for Channel 253A at Windsor, Missouri when

¹ The NPRM established April 2, 2001 as the deadline for the submission of comments in this proceeding. Accordingly, these Comments are timely filed.

allotted, and when authorized, to build the Station promptly and begin operation on Channel 253A.

2. Pursuant to the Commission's request in its NPRM, D & H Media hereby submits information concerning the underserved loss areas if Channel 253A is reallocated to Windsor, Missouri. See Engineering Exhibit prepared by Timothy Cutforth, dated March 30, 2001 (attached). The reallocation of Channel 253A to Windsor, Missouri and the operation of the Station at the site of N 38-32-40 and W 93-36-24 will result in a substantially greater number of people that will be better served by the allotment.

3. Although several areas are predicted to experience a loss, the number of people that will gain a service significantly offsets the loss. An analysis of the current licensed coordinates compared to the theoretical coordinates of the new station shows there will be a gain in service to 29,280 persons² and a loss in some service to 7,841 persons. See Engineering Exhibit. Thus, a net gain of service to 21,439 persons is achieved by the reallocation. The gain in service includes a first local service to Windsor, population 3044 (1990 U.S. Census), the larger of the two communities. Importantly, no white or gray areas will result from the reallocation and the areas that experience a service loss will continue to receive service from at least one full time station. Id.

² The Commission, in its February 9, 2001 NPRM, stated this reallocation would result in an increase in service to 27,107 persons.

4. Furthermore, since KWKJ(FM) has been on the air, in a test mode, for only four months³ and as a licensed station for only 12 days, D&H Media submits that the community of Warsaw will not experience a significant loss by virtue of the proposed reallocation. The short length of time the station on the air has been insufficient to establish an expectation of continued service in the Warsaw community.

5. In short, the public interest will be served by the reallocation of Channel 253A from Warsaw to Windsor, Missouri, because of the net gain of 21,439 persons who will receive service. In addition to the overall service gain, the proposed reallocation provides Windsor, Missouri with its first local service, while not depriving Warsaw of its only local service. Accordingly, the proposed reallocation will result in a preferential arrangement of allocations by fulfilling the Commission's third priority for FM allocations. Revisions of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982); Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989); reconsideration granted in part, 5 FCC Rcd. 7094 (1990).

³ KWKJ (FM) notified the Commission on November 21, 2000 that it commenced programming tests

WHEREFORE, for the foregoing reasons, D & H Media, LLC respectfully requests that the Commission reallocate Channel 253A to Windsor, Missouri and modify the KWKJ authorization to specify operation on Channel 253A at Windsor, Missouri.

Respectfully submitted,
D & H MEDIA, LLC

By: 

Howard J. Barr
Joan Stewart
Its Attorneys

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1776 K Street, NW, Suite 200
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Date: April 2, 2001

PROPOSED KWKJ
D & H MEDIA, LLC
98.5 MHz CH.253A
WINDSOR, MISSOURI

ENGINEERING STATEMENT

Concerning a rule making to change city of license of KWKJ from Warsaw, Missouri, to Windsor, Missouri.

The FCC staff has requested further 307b analysis of the change of city of license .

The proposed KWKJ will serve much of the primary service area of the presently licensed KWKJ operation.

The licensed KWKJ serves only 5,413 in its 60dBu primary service contour.

The proposed KWKJ at Windsor will serve 34,693 persons, 29,280 more persons in the 60 dBu primary service contour than the licensed KWKJ facility, a 540% increase.

Based on the FCC flat earth maximum facility allocations analysis given in the notice; there will be no white area or grey area added or created by this change in allocations. The move will leave 1,347 persons in the loss area with two reception services, 4,633 persons with three reception services, and 1,861 persons with four reception services. The new KWKJ gain area will have 3,873 persons who will gain a fourth service.

The community of Windsor, Missouri is a Census Designated Place and has a population of 3044 according to the 1990 US Census. Windsor presently receives 22 protected primary aural services. Windsor presently has no local service and this proposal will provide the first local service.

The community of Warsaw, Missouri is a Census Designated Place and has a population of 1696 according to the 1990 US Census. Warsaw presently receives 19 protected primary aural services. Warsaw presently has two local services and will still have one local service under this proposal.

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PROPOSED KWKJ
D & H MEDIA, LLC
98.5 MHz CH.253A
WINDSOR, MISSOURI

Neither community is in an urbanized area.

The proposed KWKJ operation at Windsor, Missouri will provide a far greater service to the public than is possible for the presently licensed KWKJ at Warsaw, Missouri. It will provide a desireable first local service to Windsor, Missouri. Warsaw will still be left with one local service. Windsor is considerably larger than Warsaw.

Respectfully submitted,

Timothy C. Cutforth

Timothy C. Cutforth P.E.
30 March 2001

